G. R. S. 59]

19.11.14

GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1913-14.
(Local Boards)

File No. 50-13.

Serial Nos. 2.4.8 & 10.

Papers Filed.

Month May 1914.

SUBJECT.

Refund bill for Rs 77.9.— being the sale proceeds of certain building sites in the Belatthoy Union, Hegga-dawakote Dk.

PREVIOUS REFERENCES.	LATER REFERENCES.
	LB 265-12(1-2).

932

G.R.S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(dB)

NOTES.

50
File No. 73

FILE HEADING.

Refund bills, Mysore Dt

From

The President Dt. Bd. Mysore.

No. 82 Dated 29.7.13 Received 5.8.13

Diary No. 932	Enclos.	Spare Copies.	Serial No. 2

BRIEF ABSTRACT OF LETTER.

Submits for Sanction a refund bill for Rs 77-9-0 being the amount deposited by the purchasers of certain Vacant sites in Belathur Village, Heggaddevankote Taluq at the first Sale and the Surtaxes deposit payable to Javaregowda the purchaser of 2 of the sites at the third Sale, the first & the Second Sales having been Subsequently Cancelled.

NOTES AND ORDERS.

Draft put up for orders.

K.P.92

14.8.13

15

2) The admissibility of the refund to Javare Gowda is not clear. Note on it with reference to the sale proclamation Rep. 15/8 together results of the 4th Sale. Has the Money

NOTES—First Sheet.

GPB—35,000—15 6-12

Serial No.

paid by the bidders in the 2nd sale been refunded? What is the explanation for omitting to refund these amounts promptly so as to avoid this reference?

Ans
15/8

pc 6
1878

Q

3) According to the Sale rules dated the 13th Nov 1910 every purchaser had to deposit 25% of the amount of final bid as soon as the sale closed and to pay the balance of 75% within 15 days from date of sale; in default the sites were to be resold at the risk of the purchaser to be held liable for the loss, the deposit made by him at the time of sale being credited as fine.

4) Javare Gowda purchased Site no 244 for Rs 68 on 27-12-1910 and deposited Rs 21-4-0 while 25% of the bid was only Rs 17-0-0. Since he failed to pay the balance within the prescribed time of 15 days the Sites were resold for Rs 41 resulting in a loss of Rs 27. Although according to the terms of the Sale rules Javare Gowda is liable for the loss the Sub-Division officer, in consideration of the special circumstances of the case ordered the 1/4th of the previous bid of Javare Gowda may be together with local cess of one anna in the rupee on the same may be deducted from his deposit amount & the rest refunded to him. Hence the refund bill in favor of Javare Gowda.

N° 418 d 23-10-11
511 R.

NOTE—Contn.° sheet.

GIP—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat. | LR File No. 50 of 1913-14

Serial No.

5) It is seen from the Vernacular papers that most of the purchasers of the sites in the second sale are either the bidders at the first sale or at the third sale so that the amounts paid by them are either proposed to be refunded having been included in the deposit at the first sale or credited towards the purchase money in the 3rd Sale.

6) It is not known whether the money paid by such of the bidders at the second sale as were not the bidders at the first and third Sales has been refunded or not.

7) No explanation for omitting to refund the amounts promptly is not given -

8) It was irregular on the part of the local authorities to have credited the Sale proceeds to District Funds as the income from the Sale of building sites in Unions is an item of revenue of the Rev. Deptt and not of the District Boards (Vide para 2 of G.O No R2233-42/LR 184-07-1 dated 25.9.40.

9) Further the Auditor's report of 16-5-1908 and the Treasury Chalan show that the money paid by the bidders

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O+P

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat. | L B File No. 50 of 1913-14

Serial No.

at the first sale was deposited and not finally credited to District Funds so ~~that they must~~ that the money has been treated as 'Lapsed deposit' and has to be refunded as such: Under article 256 of the Civil Account Code Vol I the Sanction of the Comptroller is sufficient authority for repaying the lapsed deposit. But it is not clear whether owing to the introduction of the local audit Scheme it is necessary that such refunds should be sanctioned by Govt; or if the Dt Bds are competent to authorise the refund on their responsibility. Subd for orders

KPar
19.8.13 (18)

10) Consult Branches I & II in this case.

Asst
25/8

To Br I.
Asst
29/8/13

R. note
54-13

LR
50

Subd for orders.

11) There seems to be nothing for Branch I to note upon in this case. The propriety of the Govt's order in excusing the 1st party from making good the loss incurred by the 2nd sale is open to question as it is contravening Sec 182 L.R. Code. There is no reason why Govt should lose 27 Rs.

28/8 7.9.13

Fl no 327-13

I think so too. Enquire how this is worked.

HPB
30/9/13

Asst

LD
18

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

To Br II

R. S. 12]

General and Revenue Secretariat.

LB File No. 50 of 1913-14

Serial No.

Pl. Mis 327-13

12) The refund amount of Rs 77.9.0 is made up as follows:—

	Rs. As. P
1) Marijowda	35 — 13 . 9
2) Javanegowda	3 — 3 — 0
3) Puttasubbamma	12 — 12 — 0
4) Nanjanaika	25 — 12 — 3
	77 — 9 — 0

It has to be met out of the Funds credited to the District Funds as being proceeds of the sale of the building sites though contrary to the directions laid down in the G.O. No. R 2233-42 2R. 184-07-1 of 25th Sept 1907.

13) The grounds assigned for refund of items nos. 1, 3 & 4 are given in para 2 of the letter under disposal but as regards item 2 however the ground is different, as it is based upon the order of the Rev Sub Divisn Officer sanctioning the refund of excess over the deposit of ¼ of the purchase money. According to the opinion of the Undersecy, Br I, this order is open to question especially as there has been a loss to Govt of Rs 27 in the resale.

14) As the amount is stated to have been credited to the District funds, any

1—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

refund that may be sanctioned now will have to be paid in the manner laid down in Art 305 of the Mysore Treasury Manual.

[~~there is however no restriction for keeping deposits made by the subscribers pending sales~~].

AGM-67. Offg
6/9/13
15) If it was a deposit the Comptr will pass the order refunding it. If it is a receipt the procedure indicated in Art 305 Mysore Treasury Manual should be followed.

Put this out to Dy. Secy

Art IV

1/
9.9.13

16.9.13
16) Submitted with the opinions of Brs I & II.

K.P.
11.9.13
Art 305 of the Treasury manual relates to Refunds of Sale proceeds of Stray Cattle.

17) Put up draft sanctioning the refund of items credited to revenue, and observing the points raised by Branches I & II.

16.9.13
Asst
12/9

18) As it is not clear if the ~~sums~~ sums proposed to be refunded were credited to the Treasury as revenue or as deposits in the first instance. Hence draft

GPB—65,000—17-6-12.

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G. R. S. 12]

General and Revenue Secretariat. | LB File No. 90 of 1913-14.

Serial No.

Calling for further information is put up for approval or other orders

KPSR.
15.9.13 (11) Dy Secy)

17/9.

(15) A tidy draft as revised may be put up Dwc 18/9

20) A tidy draft is put up.

KPSR.
18.9.13 (11) 21) Dy Secy).

19/9.

Dwc as agreed
20/9

2nd Councillor)

Draft appd by 2nd Co
22/9

22/9 Dwc 24/9

23)

24/9

4. Fo. Secy, Dept Mysore. No. 3950. Dt 26-9-13.

(28) Observes that the Asst Comr's order directing the refund of a portion of the deposit made by Gavare Gowda does not appear to be consistent with the terms of the Sale Notification & Secn 181 of L. Rev. Code, & requires whether the Sums recovered by parties 1, 3 & 4 were in the first instance treated as deposits or credited as revenue and whether Gavare Gowda should not be held liable for the loss resulting from the resale

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

(8

4834

R. S. 12]

General and Revenue Secretariat.

LB File No. 50 of 1913-14

Serial No.	
8	From 25) The President Dt. Bd. Mysore No. 571 d 23.2.14. States with reference to the above that in Consideration of the poverty and ignorance of Javaregowda the Sub Divisional officer ordered the refund of a portion of his deposit amount and that Javaregowda deserves concession and reports that the amounts recovered from others was shewn under deposits in the DJ Accounts. 26) May the Comptroller be consulted as to who is competent to sanction the refunds in such cases. Attention is ~~also~~ invited to the point raised in the concluding portion of para 9 Supra: another point for orders is whether in the circumstances explained the liability of Javaregowda may be enforced 27) Submit for orders KPS 28/2/14 28) Forwarded unofficially to the Comptroller, Mysore Govt., for favour of opinion upon the first of the two points raised above. By order. Asst Secy to Govt G & R. Dept 3/3/14

No 6 Compts d 5/3/14.
No 192

COMPTROLLER'S OFFICE
CIVIL BRANCH.
- 6 MAR 1914
BANGALORE.
MYSORE GOVT.

R. 113 d/6 3/14

Me Dep
for audit M

NOTE—Contn. sheet.

GPR—85 000—17-6-12 b73

R. S. 12]

General and Revenue Secretariat. | LB File No. 50 of 1913—14

Serial No.

29) Under rule 137 of the local Board rules no refund of money credited as revenue to the District fund can be made without obtaining the previous sanction of Government, and under this rule refund of deposits which have lapsed to the credit of District Board and are accordingly treated as miscellaneous items of receipts and are credited to revenue heads has to be sanctioned by Government. The present case will have to be disposed of accordingly. But it seems that this power may be delegated to the District Boards, as the amounts involved are generally very small, and as it does not serve any useful purpose to reserve the power to Government in regard to Local Funds. ~~The~~ The Local Board rules are now under revision in the Secretariat and the following rule may be substituted for rule 137 of the Local Board rules:-

"The District Board is competent to sanction all refunds of money credited to revenue heads in the accounts of the District fund, and may, whenever necessary, authorise the President to sanction on his own authority refunds of amounts not exceeding Rs.10/- in an individual case.

30) Before sanctioning a refund the District Board (or the President) should satisfy itself that the original credit recorded in the accounts has been traced, that the same has not already been refunded, and that the payment made is noted against the original credit to guard against a second repayment.

2/4/14

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

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second refund.

1913

From The President
District Board - Mysore.

To The Secretary to the Government
of Mysore
Genl & Rev. Depts.
Bangalore

Dated 29th July 1913

Despatched 4 - 8.

Received

General No. 82
No.

Enclosure No. 1 file

Submits for sanction a refund
of for Rs 77-9-0

/ 82
file

Office of the President, District Board,
Mysore District,
Dated, Mysore, 29th July 1913.
4-8.

From

A. Subramanya Iyer Esquire., B.A.,
President-District Board, Mysore District.

To

K.R.Sreenivasa Iyengar Esquire., M.A.,
Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

In submitting herewith for sanction of Government a consolidated refund bill for Rs 77-9-0 together with subsidiary bills, I have the honour to state as follows:--

2. Nine vacant sites in the Belathur village, [illegible] Taluk, were applied for building houses and sold by public auction in October 1907 and the total sale proceeds viz., Rs 74-6-0 were credited to District Funds on 7-11-1907. The Amildar then submitted for orders the sale records to the Sub Division Officer with his report No.749/863 dated 16-5-08. The Sub Division Officer in the meantime received a petition from some of the villagers complaining that the sale had been fradulently conducted and that a resale would fetch higher bids. The Sub Division Officer in his order No.1220/1440 dated 17-5-09 ordered a resale which was accordingly conducted by the Taluk Shenistadar on 29th June 1909. The sale records were then sent to the Sub Division Officer with the Amildar's report No.101/81 dated 22-7-09. The Sub Division Officer in his order No.331/448 dated 8-9-09 cancelled again the 2nd sale and ordered a resale on the ground that neither the sale notification had been served on the petitioners nor their presence secured at the time of sale. The resale was conducted by the Amildar on 27-12-1910 and the total amount realised was Rs 272/- including local cess. The Amildar then submitted the sale records for orders with his report No.406/521 dated 8th February 1911. The Sub Division Officer in his order No.735/823

dated 5-5-11 confirmed the sale of seven sites and ordered the resale of the remaining 2 sites as the Amildar reported that the purchaser (Javaregowda) of these two sites had ~~xxxxx~~ failed to pay the full amount of purchase money in the prescribed time. These two sites were again sold and fetched a total sum of Rs 41 only resulting in a loss of Rs 27/- to Government. The resale of these two sites were confirmed by the Sub Division Officer in his order No.418/511 dated 23-10-11 and the Amildar was direct-ed to credit to Government as fine out the money deposited by the original purchaser Javaregowda an amount equal to ¼ of his bid and to refund the balance to him.

3. The above are the facts of the case. As the original sale which took place in October 1907 was cancelled and the resale of the sites in question took place twice, the amounts deposited by the purchasers at the first sale which took place in October 1907 have to be refunded to them and hence the submission of the above refund bill.

4. As the Belathur village was constituted into a Union as per Government Notification No. 8308-15 / L.B 298-06 dated 16.3.07 the sale proceeds which are to be refunded now appear to have been credited to District Funds; and the cost of refund will be debited to the provision made therefor in the current year's District Fund Bud-get of this District.

5. The refund bill includes also the amount of Rs 3-3-0 to be refunded to Javaregowda, for reasons stated in para 2 supra.

6. The entire correspondence on the subject ending with Heggada devankote Amildar's report No.317/7563 dated 16th June 13 is here in enclosed for reference and obliging return.

I have the honour to be,

Sir,

Your most obedient Servant,

President--District Board,

Mysore District.